

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Mary F. McTigue

Director

July 29, 1988

AO-88-25

James A. Martin
Treasurer, Jim Shannon State Committee
Harvey & Martin
231 Sutton Street
North Andover, Massachusetts 01845

Dear Mr. Martin:

This letter is in response to your recent request for an advisory opinion.

You have stated that the Jim Shannon State Committee is in the process of acquiring its own computer system to manage its supporter records. The primary software to perform this database management will be "Campaign Manager." You also expect to install telecommunications and word processing software.

In addition, you have stated that public employees, acting voluntarily and only during non-business hours, wish to enter and process fundraising data using the computer. The public employees would perform such tasks as entering the names and addresses of contributors into the computer, as well as the amounts and sources of the contributions. The public employees would also use this information to prepare campaign finance disclosure reports.

With reference to the purchase of the computer and software, this office has previously discussed requirements relating to the use and location of computers purchased with campaign funds in opinions 88-14, 88-09, 86-02, 83-10 and 82-02, copies of which are enclosed.

The facts you have presented to this office raise the question of whether state employees, by entering and processing data and completing forms related to fundraising, would be violating the provisions of M.G.L. c.55.

Section 13 of M.G.L. c.55 states, in pertinent part:

"No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment,

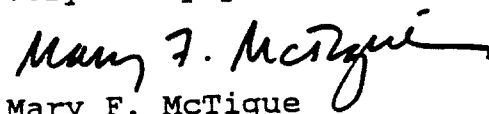
contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is subject of his official responsibility."

It is the opinion of this office that clerical tasks such as data entry, preparation of materials for mailing and the like would not be direct or indirect solicitations or receipts of contributions by public employees and hence not prohibited conduct pursuant to section 13. Such employees would not be permitted to add information which they supplied, such as the names of friends and relatives, to such databases, however. This office would consider such activity to be of a fundraising nature and prohibited under M.G.L. c.55.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,


Mary F. McTigue
Director

MFM/ba
Enclosures